

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

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TERRY SHERIDAN, )  
                        )  
                        )  
Plaintiff,           )  
                        )  
v.                     )                      **Civil Action No. 3:15-CV-00801**  
                        )  
                        )  
NATIONAL CREDIT ADJUSTERS,           )  
L.L.C.,                )  
                        )  
Defendants.           )

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**DEFENDANT NATIONAL CREDIT ADJUSTERS, L.L.C.'S RESPONSE TO  
PLAINTIFF'S MOTION FOR DEFAULT**

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**COMES NOW** the Defendant, National Credit Adjusters, L.L.C., by and through counsel, and for its Response to the Motion for Default filed in the above-captioned matter, states as follows:

**FACTUAL BACKGROUND**

Plaintiff Terry Sheridan filed his Complaint in this matter on July 20, 2015. Defendant was served with the Complaint on August 17, 2015. Plaintiff filed his Motion for Default on October 16, 2015. Defendant filed its Answer to the Complaint on November 3, 2015.

**LAW AND ARGUMENT**

In the Sixth Circuit, “[j]udgment by default is a drastic step which should be resorted to only in the most extreme cases.” *United Coin Meter Co., Inc. v. Seaboard Coastline RR.*, 705 F.2d 839, 845 (6th Cir.1983) (internal quotation marks omitted). Regarding whether or not to

enter default judgment, "this Court considers this preference for a decision on the merits." *Felts v. Cleveland Hous. Auth.*, 821 F. Supp. 2d 968, 981 (E.D. Tenn. 2011).

Although outside the prescribed deadline provided in Fed. R. Civ. P. 12(a)(1)(A)(i), Defendant has Answered Plaintiff's Complaint, and Defendant respectfully requests this Court enter an Order denying Plaintiff's Motion for Default.

### **CONCLUSION**

Wherefore, Defendant respectfully requests this Court enter an Order denying Plaintiff's Motion for Default.

Respectfully submitted by electronic copy this 3<sup>rd</sup> day of November, 2015.

*s/ Ron Cunningham*  
Ron Cunningham, BPR #901  
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*Counsel for Defendant*

### **CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing document by Notice of Electronic Filing, or, if the party served does not participate in Notice of Electronic Filing, by U.S. First Class Mail, hand deliver, fax, or e-mail on this the 3<sup>rd</sup> day of November, 2015:

Terry Sheridan  
3104 Lincoya Bay Drive  
Nashville, Tennessee 37214

/s/ Ron Cunningham